

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3385 OF 2006

Shubangi Sudhakar Dhuru and ors. ..Petitioners

Vs.

Rajesh Chari ..Respondent

Mr. P.G. Lad for petitioners.
Mr. Prashant Karande for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : March 16, 2007.

P.C.:

1. Heard Mr. Lad the learned counsel for the petitioners-landlords. The landlords have filed R.A.E. & R. Suit No. 1065/1921 of 2004 and in the said suit Interlocutory Notice No.5355 of 2004 was taken out seeking directions to the tenant to deposit all the arrears of municipal taxes. This notice was discharged on 19/9/2005 by the learned Judge of the Small Causes Court at Mumbai. The plaintiffs, therefore, filed Revision Application No.292 of 2005 which also came to be dismissed by the Division Bench

of the Small Causes Court on 9/1/2006 by further clarifying that the view taken by the learned Judge of the Small Causes Court on the issue of limitation was only a prima facie view and the same shall be adjudicated finally on the basis of the evidence that may be adduced by the parties during the trial of the suit.

2. The learned counsel for the respondent has pointed out that the standard rent of the suit premises is fixed at Rs.100/- per month and the tenant has approached the Mumbai Mahanagar Palika for adjudicating/fixing the amount of municipal taxes on Rs.100/- per month as the rental amount.

3. Though no interference is called for in the orders impugned in this petition, it is necessary that the arrears of municipal taxes are deposited in the Small Causes Court during the pendency of the suit and as soon as the amount of taxes is adjudicated by the Municipal Corporation.

4. The petition is, therefore, rejected summarily

and at the same time it is directed that the respondent-defendant shall get the tax amount adjudicated as expeditiously as possible and in any case within a period of one month from today and deposit the arrears of tax amount in the pending suit within two months thereafter.

(B.H. Marlapalle, J.)